

**ENTERED**

TAWANA C. MARSHALL, CLERK  
THE DATE OF ENTRY IS  
ON THE COURT'S DOCKET



**The following constitutes the ruling of the court and has the force and effect therein described.**

**Signed September 30, 2009**

  
**United States Bankruptcy Judge**

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

IN RE:	§	Chapter 11
	§	
1300 CAMPBELL, L.P.,	§	Case No. 09-36300-SGJ-11
	§	Hearing Held:
Debtor.	§	September 29, 2009 at 2:30 p.m.

**STIPULATION BY AND BETWEEN GE COMMERCIAL FINANCE BUSINESS  
PROPERTY CORPORATION f/k/a GENERAL ELECTRIC CAPITAL BUSINESS  
ASSET FUNDING CORPORATION (GEBP) WITH RESPECT TO EMERGENCY  
HEARING ON MOTION FOR (1) PRELIMINARY AND CONTINUING AUTHORITY  
TO USE CASH COLLATERAL, (2) AUTHORITY TO MAKE ADEQUATE  
PROTECTION PAYMENTS, (3) SUSPEND HOLDOVER RENT PROVISIONS UNDER  
COMMERCIAL LEASE AGREEMENT, AND (4) FOR RELATED RELIEF  
AND AGREED ORDER**

Debtor, 1300 Campbell, L.P., (the "Debtor") and GE Commercial Finance Business Property Corporation f/k/a General Electric Capital Business Asset Funding Corporation ("GEBP"), a secured creditor herein, in an effort to resolve the emergency, stipulate and agree as follows with respect to the Debtor's Emergency Motion for (1) Preliminary and Continuing Authority to Use Cash Collateral, (2) Authority to Make Adequate Protection Payments, (3) Suspend Holdover Rent Provisions Under Commercial Lease Agreement and (4) for Related Relief (the "Motion")

1. Debtor is authorized to collect and Tenant is authorized to pay to Debtor the October 1, 2009 rent from the Tenant occupying the Debtor's premises at 1300 East Campbell Road, Richardson, TX (the "Premises"). Debtor shall deposit the rent received from the Tenant into its Debtor in Possession account at Comerica Bank (the "DIP Account"). The Debtor shall have no right to use the funds on deposit in its DIP Account nor the funds on deposit in counsel for Debtor's trust account pending further order of the Court. GEBP reserves all rights in the rents and nothing herein shall be construed as GEBP's waiver of its right to receive the rents.

2. GEBP agrees that Debtor and Tenant may go forward with negotiations and documentation of a renewal, modification, or extension of the current lease with the Tenant (the "Lease Extension"), but GEBP reserves all rights with respect to such Lease Extension and such Lease Extension shall only become effective upon approval of the Court. Except as otherwise provided herein, GEBP and Debtor agree that any Lease Extension is subject to the terms of the Nondisturbance, Attornment and Subordination Agreement between Tenant and GEBP, the terms of the loan documents between 1300 Campbell, L.P. and GEBP, as well as further order of the Court.

3. The Debtor and GEBP further stipulate and agree that all other relief requested in the Motion shall be reserved for the final hearing thereon.

BASED ON THE FOREGOING, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED THAT:

A. The Debtor shall serve a copy of this Order pursuant to Rule 4001 of the Federal

Rules of Bankruptcy Procedure within one business day on (i) any entity which has an interest in the Cash Collateral, (ii) the United States Trustee; (iii) creditors who hold the twenty largest unsecured claims in this case and (iv) all parties having filed notice of appearance and request for services of papers.

B. A final hearing on the Motion shall be held on **October 13, 2009 at 1:30 p.m.** CST in the Bankruptcy Court of the Honorable Stacey G. C. Jernigan [Room 1428 - Courtroom #1 - 14<sup>th</sup> Floor] United States Courthouse, 1100 Commerce Street, Dallas, Texas 75242.

C. Any objection to the Motion shall be filed on or before October 9, 2009.

### End of Order ###

**AGREED:**

**GOODRICH POSTNIKOFF & ALBERTSON, LLP**

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By: /s/ Joseph F. Postnikoff

Joseph F. Postnikoff

Texas State Bar No. 16168320

**PROPOSED ATTORNEYS FOR 1300 CAMPBELL, L.P.  
DEBTOR IN POSSESSION**

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**In re 1300 Campbell, L.P., Debtor**

**Stipulation By and Between GE Commercial Finance Business Property Corporation f/k/a General Electric Capital Business Asset Funding Corporation with Respect to Emergency Motion for (1) Preliminary and Continuing Authority to Use Cash Collateral, (2) Authority to Make Adequate Protection Payments, (3) Suspend Holdover Rent Provisions Under Commercial Lease Agreement and (4) for Related Relief - Page 3**

**MORGAN & LUTTRELL, L.L.P.**

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By: /s/ F. Beth Morgan

F. Beth Morgan

Texas State Bar No. 14438300

**ATTORNEYS FOR GE COMMERCIAL FINANCE  
BUSINESS PROPERTY CORPORATION**

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**In re 1300 Campbell, L.P., Debtor**

**Stipulation By and Between GE Commercial Finance Business Property Corporation f/k/a General Electric Capital Business Asset Funding Corporation with Respect to Emergency Motion for (1) Preliminary and Continuing Authority to Use Cash Collateral, (2) Authority to Make Adequate Protection Payments, (3) Suspend Holdover Rent Provisions Under Commercial Lease Agreement and (4) for Related Relief - Page 4**